

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BACKERTOP LICENSING LLC,

Plaintiff,

v.

CANARY CONNECT, INC.,

Defendant.

BACKERTOP LICENSING LLC,

Plaintiff,

v.

AUGUST HOME, INC.,

Defendant.

Civil Action No.: 1:22-cv-00572-CFC

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**PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S
MAY 31, 2023 ORDER AND LEAVE FOR MS. LORI LAPRAY TO
APPEAR AT THE COURT'S JULY 20, 2023 HEARING VIA
VIDEOCONFERENCE**

Plaintiff Backertop Licensing LLC hereby respectfully moves the Court to reconsider its May 31, 2023 Order and Grant Leave for Ms. Lori LaPray to appear at the Court's July 20, 2023 Hearing via videoconference on the grounds that the Court lacks authority to order Ms. LaPray's appearance under Fed. R. Civ. P. 45(c)(1)(B)(i) because a party's officer can only be subpoenaed for a hearing in the state where they reside, work, or regularly transact business in-person in, which for Ms. LaPray is Texas; Ms. LaPray is unable to travel to Delaware on July 20, 2023

to attend the hearing in-person due to her responsibilities as a working mother to children ages 3 and 7; Ms. LaPray has already testified in-person for the Court on November 10, 2022 concerning its “investigation” and any questions the Court may have of Ms. LaPray concerning the production can be answered through videoconference; the Court permits hearings through telephone and videoconference and Ms. LaPray is willing and available to attend the July 20, 2023 hearing via videoconference; the Court has made general accusations of “fraud” without any specificity as required by law. Plaintiff and Ms. LaPray abided by and followed the laws, rules and guidelines set forth by Congress, the Patent Act and the Federal Rules of Civil Procedure, and, thus, have not committed any misconduct or fraudulent act; and the Court contacted a non-party, Ms. LaPray’s employer, in the hopes of influencing her to attend a hearing in Delaware that she cannot attend in-person. The Court’s ex parte communication to her employer has damaged her reputation at work and disrupted the firm itself.

The basis for the Motion is detailed in Plaintiff’s Memorandum being concurrently filed herewith.

Dated: June 7, 2023

Respectfully submitted,

CHONG LAW FIRM PA

/s/ Jimmy Chong

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on June 7, 2023 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Jimmy Chong
Jimmy Chong